IN RE: PETITION FOR VARIANCE

E/S Gumwood Drive, 200' N of the c/l

Shore Road

(7 Gumwood Drive)

15th Election District

15th Election District 5th Council District

Robert Dale Arnold, et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 02-398-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Robert Dale Arnold, and his wife, Karen Lynn Arnold. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (existing detached garage) with a side yard setback of 16 inches in lieu of the minimum required 2.5 feet, and a rear yard setback of 5 feet to the alley centerline in lieu of the minimum required 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Robert D. and Karen L. Arnold, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located on the east side of Gumwood Drive, not far from that road's intersection with Wilson Point Road in Middle River. The property is a rectangular shaped lot, approximately 48' wide by 100' deep, and contains approximately 4800 sq.ft. in area, zoned D.R.5.5. Presently, the site is improved with a one-story frame dwelling, in which the Petitioners reside, and a detached 20' x 20' garage, which is located in the rear corner of the lot. It is this structure which is the subject of the instant Petition. Testimony indicated that the Petitioners acquired the property approximately one year ago and that at that time, the garage existed, having been built some time before.

ORDER RECEIVED FOR FILING

Although the Petitioners did not build the garage, they came to realize after their acquisition of the property that the garage was located too close to the side and rear property lines than allowed by the B.C.Z.R. The variance requested from side yard setback requirements is minor (14 inches), in that the structure is located 16 inches from the property line in lieu of the required 30 inches. The rear yard variance is slightly more in that the garage is located 5 feet from the centerline of a paper alley that runs along the rear of the property in lieu of the required 15 feet. In this regard, the Petitioners indicated that although once in existence, that portion of the land originally intended for use as an alley has become overgrown and is inaccessible. Thus, it is clear that a grant of the variance will not cause any adverse impact on adjacent properties and is consistent with development in the neighborhood.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, sufficient testimony and evidence was offered to comply with the requirements of Section 307 of the B.C.Z.R. for variance relief. There is no new construction proposed; merely, the Petitioners wish to legitimize a structure that existed on the property prior to their purchase of same. Thus, I am persuaded that variance relief should be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of June, 2002 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (existing detached garage) with a side yard setback of 16 inches in lieu of the minimum required 2.5 feet, and a rear yard setback of 5 feet to the alley centerline in lieu of the minimum required 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken within thirty (30) days of the date of this

Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



June 5, 2002

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

Mr. & Mrs. Robert Dale Arnold 7 Gumwood Drive Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

E/S Gumwood Drive, 200' N of the c/l Shore Road

(7 Gumwood Drive)

15th Election District – 5th Council District Robert Dale Arnold, et ux - Petitioners

Case No. 02-398-A

Dear Mr. & Mrs. Arnold:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

DEPRM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the pro	perty located at 7 Gum wood Drive
_	which is presently zoned D.R5.5
made a part hereof, hereby petition for a Variance from S Structure (detached garage) in lieu of the minimum require of 5 ft to the alley centerline	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s) of po, I To allow an accessory with a side yard setbuck of 16 in and a rear yard setbuck of 11 in a lieu of the minimum required 15 to 11 in 15 to 15 to 16 in
regulations and restrictions of Baltimore County adopted pursua	, posting, etc. and further agree to and are to be bounded by the zoning ant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print Signature	Robert Dale Acnold Name-Type or Print Forest Dale Anold Signature Kacen Lynn Acnold
Address Telephone No.	Name y Type or Print
City State Zip Code Attorney For Petitioner:	Signature 7 Comwood Dr. 410391362 Address Telephone No
Name - Type or Print	middle River md 21220 City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone No.
Cit State Zip Code	City State Zip Code
	OFFICE USE ONLY
DA 2 29P	ESTIMATED LENGTH OF HEARING
Case No. <u>02-398-4</u>	UNIAVATI ADI E EOD HEADTNG

Reviewed By

SOUTH EAST

The Zoning Description for 7 Gumwood Drive starts at a point on the East side of Gumwood Drive which is 45 feet wide at the distance of 200 feet North of the 250 Centerline of the nearest improved intersecting street Shore Road which is 45 Feet wide. Lot # 212, Section #IV, in the subdivision of Stansbury Manor as Recorded in Baltimore County Plat # 13, Folio#138. Also known as 7 Gumwood Drive and located in the 15th Election District, 5th Councilman District.

398

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 3-19-02 ACCOUNT R-001-06-6150

AMOUNT \$

RECEIVED FROM:

FOR: Residential Various filing for a proposed DR,

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

PAID RECEIPT

BUSINESS ACTUAL TIME

3/19/2002 3/19/2002 09:56:18

REG NEOGO WALKIN KACH KAN DRAWER

> RECEIPT N 072849 3/19/2002 OF

Dept 5 520 ZONING VERIFICATION

CAN NO. 011283

Kecpt Tot \$50.00

50.00 CK .00 CA

Paltimore County Naryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #02-398-A

7 Gumwood Drive

E/S Gumwood Drive, 200' N of centerline of Shore Road 5th Election District - 5th Councilmanic District

Jegal Owner(s): Robert Dale & Karen Lynn Arnold Variance: to allow an accessory structure with a side yard settack of 16 inches in lieu of the minimum required 2.5 feet, and a rear yard setback of 5 feet to the alley in lieu of the minimum required 15 feet.

Hearing: Thursday, May 23, 2002 at 10:00 a.m. in Room 40%, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zorling Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. C536978 5/129 May 9

CERTIFICATE OF PUBLICATION

5/9/,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on <u>5/9</u> ,20 <u>02</u> .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

ICOAL ADVERTISING

Y Wilking

CERTIFICATE OF POSTING

	RE: Case No.: <u>02-398-A</u>		
	Petitioner/Developer: ROBERT DALE		
·	+ KAREN LYNN ARNOLD		
	Date of Hearing/Closing: 5/23/0~		
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204			
Attention: Ms. Gwendolyn Stephens	•		
Ladies and Gentlemen:			
were posted conspicuously on the property The sign(s) were posted on	y located at 7 Gumwood Drive		
	(Month, Day, Year)		
	Sincerely,		
ZONING NOT CE Case # 1 O2-398-A	(Signature of Sign Poster and Date)		
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER	SSG ROBERT BLACK		
IN TOWSON , MD. PLACE , ROOM NOT, COUNT COUNT OF HILD SOCIETATION	(Printed Name)		
TIME & DATE THIRSDAY MAY 23 TOOL THIRD THE	1508 Leslie Rd		
FIG. VAID STRAKE OF A KINK WAD STRAKE OF THE SOL	(Address)		
	Dundalk, Maryland 21222		
	(City, State, Zip Code)		
	(410) 282-7940		
A CONTRACT OF THE CONTRACT OF	(Telephone Number)		

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or C	ase Number	02-3	98-2		
Petitioner s R	obert &	Karen	Arnola	1	
Address or Location	on 7 6	um wood	DR.	Balto,	Md. 21220
PLEASE FORWA	RD ADVERTISI	NG BILL TO			
PLEASE FORWAI Name	RD ADVERTISI	NG BILL TO			
Name	·				

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 9, 2002 Issue - Jeffersonian

Please forward billing to:

Robert Arnold
7 Gumwood Drive
Baltimore MD 21220

410 391-3621

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-398-A

7 Gumwood Drive

E/S Gumwood Drive, 200' N of centerline of Shore Road

15th Election District – 5th Councilmanic District Legal Owner: Robert Dale & Karen Lynn Arnold

<u>Variance</u> to allow an accessory structure with a side yard setback of 16 inches in lieu of the minimum required 2.5 feet, and a rear yard setback of 5 feet to the alley in lieu of the minimum required 15 feet.

HEARING:

Thursday, May 23, 2002 at 10:00 a.m. in Room 407, County Courts

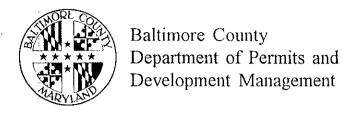
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GDZ

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

April 9, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-398-A

7 Gumwood Drive

E/S Gumwood Drive, 200' N of centerline of Shore Road

15th Election District – 5th Councilmanic District Legal Owner: Robert Dale & Karen Lynn Arnold

<u>Variance</u> to allow an accessory structure with a side yard setback of 16 inches in lieu of the minimum required 2.5 feet, and a rear yard setback of 5 feet to the alley in lieu of the minimum required 15 feet.

HEARING: Thursday, May 23, 2002 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon GDZ Director

C: Mr. & Mrs. Robert Dale Arnold, 7 Gumwood Drive, Middle River 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 8, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.







Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 17, 2002

Mr. & Mrs. Robert Dale Arnold 7 Gumwood Drive Middle River, MD 21220

Dear Mr. & Mrs. Arnold:

RE: Case Number:02-398-A, 7 Gumwood Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 3/19/02.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel

Baltimore County
Fire Department

Development Management (PDM)
County Office Building, Room 111

Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25,2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Office of the Fire Marshal

Towson, Maryland 21286-5500

700 East Joppa Road

410-887-4880

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING TEM NUMBERS:

378, 381, 383, 386-389, 391-394, 396-400

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING (PRIVATE)

County Review Group comments

Come visit the County's Website at www.co.ba.md.us



Arnold Jablon

TO:



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

FROM	ſ:	R. Bruce Seeley Rs / 76T
DATE	: :	April 30, 2002
SUBJI	ECT:	Zoning Item <u>398</u> Address <u>7 Gumwood Drive (Arnold Property)</u>
	Zoning	g Advisory Committee Meeting of 3/25/02
X	The D	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	The Do	epartment of Environmental Protection and Resource Management offers dowing comments on the above-referenced zoning item:
		If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
		Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
		Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
		Additional Comments:

Reviewer: Keith Kelley Date: 4/18/02

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 1, 2002

Department of Permits and **Development Management**

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR 2

SUBJECT:

7 Gumwood Drive

INFORMATION:

Item Number:

02-398

Petitioner:

Robert & Dale Arnold

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to maintain an existing accessory structure with a side yard setback of 16 inches in lieu of the minimum required 2 ½ feet, and a 5 foot rear yard setback from the center line of the alley in lieu of the minimum required 15 feet.

AFK/LL:MAC:





Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date:

3.26.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 398

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Gredle

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

RE: PETITION FOR VARIANCE
7 Gumwood Drive, E/S Gumwood Dr,
200' N of c/l Shore Rd
15th Election District, 5th Councilmanic

Legal Owner: Robert D. & Karen L. Arnold Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-398-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert D. & Karen L. Arnold, 7 Gumwood Drive, Baltimore, MD 21220, Petitioners.

ETER MAX ZIMMERMAN

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANC PROPERTY ADDRESS 7 GUMWOOD DR. SEE PAGES 5 & 6 OF THE CHECKLIST FO	E SPECIAL HEARING
PROPERTY ADDRESS / GUMUJOOD UK. SEE PAGES 5 8 6 OF THE CHECKLIST FOR SUBDIVISION NAME STANSBURY MANOR	OR ADDITIONAL REQUIRED INFORMATION
PLAT BOOK # 13 FOLIO # 138 LOT # 212 SECTION # IV OWNER ROBERT D. AND KAREN L. ARNOLD	Strawt Wilson Pt
NA8° 14° E 48' Solver Sesseryed FOR WALK. Solver Sesseryed FOR WALK. Solver Sesseryed FOR WALK. Solver Sesseryed FOR WALK. CONC. Solver Sesseryed FOR WALK. CONC. Solver Sesseryed FOR WALK.	VICINITY MAP SCALE: 1" = 1000'
TO Existing With X and X	LOCATION INFORMATION ELECTION DISTRICT パナム COUNCILMANIC DISTRICT 5ナム 1"=200' SCALE MAP# ドラタープ
FRAME XX + 5 FD + 5 FD + 5 FD + 4 9	ZONING D. R 5. 5 LOT SIZE PARE FEET PUBLIC PRIVATE SEWER
4' C.W. 4' GRASS	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
NORTH ROBERT D. ARNOLD SCALE OF DRAWING: 1" = 20'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #

